

MICHAEL A. CARDODOZ
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

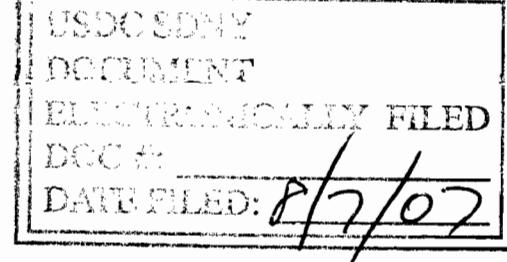
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August 3, 2007

BY HAND

Honorable Gerard E. Lynch
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 640
New York, New York 10007



Re: Marcus Blue v. City of New York, et al., 07 CV 06471(GEL)

Dear Judge Lynch

I am the Assistant Corporation Counsel handling the defense of this action on behalf of Defendant City of New York. I am writing with the consent of plaintiff's counsel, David A. Zelman, Esq., to respectfully request a sixty-day enlargement of time from August 6, 2007 to October 5, 2007, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiff was subjected to false arrest and malicious prosecution. In addition to the City of New York, plaintiff purports to name New York City Police Officer Philip Tucciarone and Traffic Agent Ashim Das. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. Before this office can adequately respond to the complaint we will need to ascertain whether the individually named defendant has been served.¹ If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent Officer Tucciarone and Agent Das. The officers must then decide whether they wish to be represented by this office. If so, we must obtain the Officers' written authorization. Only after this procedure has been followed can we determine how to proceed in this case. In view of the foregoing, it is respectfully requested that the Court

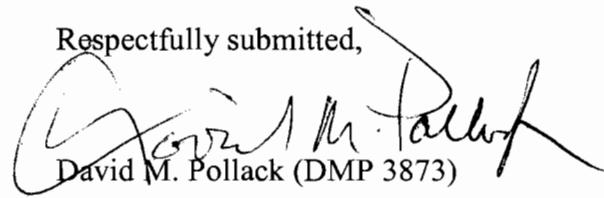
¹ Although this Office does not currently represent Officer Tucciarone and Traffic Agent Ashim Das and assuming they have been properly served, this Office also respectfully requests this extension on their behalf in order that their defenses are not jeopardized while representational issues are being decided. The docket in this case reflects that waivers of service were sent to Officer Tucciarone and Traffic Agent Das.

grant the within request extending the Defendants' time to answer or otherwise respond to the] *

complaint until October 5, 2007.

Thank you for your consideration in this regard.

Respectfully submitted,



David M. Pollack (DMP 3873)

cc: By Facsimile Transmission
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SO ORDERED
Gerard E. Lynch
GERARD E. LYNCH, U.S.D.J.

8/6/07